

# Exhibit F - Deposition of Ofc. Brice Clements

Brice Clements

Latia Alexander, et al. v. Las Vegas Metropolitan Police Department, et al.

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## 1 CERTIFICATE OF COURT REPORTER

2 STATE OF NEVADA )  
3 ) ss:  
4 COUNTY OF CLARK )


5 I, Heidi K. Konsten, Certified Court Reporter  
6 licensed by the State of Nevada, do hereby certify  
7 that I reported the deposition of BRICE CLEMENTS,  
8 commencing on October 7, 2024, at 10:04 a.m.

9 Prior to being deposed, the witness was duly  
10 sworn by me to testify to the truth. I thereafter  
11 transcribed my said stenographic notes via  
12 computer-aided transcription into written form,  
13 and that the transcript is a complete, true and  
14 accurate transcription and that a request was not  
15 made for a review of the transcript.

16 I further certify that I am not a relative,  
17 employee or independent contractor of counsel or  
18 any party involved in the proceeding, nor a person  
19 financially interested in the proceeding, nor do I  
20 have any other relationship that may reasonably  
21 cause my impartiality to be questioned.

22 IN WITNESS WHEREOF, I have set my hand in my  
23 office in the County of Clark, State of Nevada,  
24 this October 21, 2024.

25

  
Heidi K. Konsten, RPR, CCR No. 845

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Page 1

1 UNITED STATES DISTRICT COURT  
 2 DISTRICT OF NEVADA  
 3 \* \* \* \* \*  
 4 LATIA ALEXANDER, )  
 individually as heir of )  
 5 ISAAH T. WILLIAMS and in )  
 her capacity as special )  
 6 administrator of the Estate )  
 of ISAAH T. WILLIAMS, )  
 7 )  
 Plaintiff, )  
 8 )  
 vs. ) CASE NO.  
 9 ) 2:24-cv-00074-APG-NJK  
 LAS VEGAS METROPOLITAN )  
 10 POLICE DEPARTMENT, a )  
 political subdivision of )  
 11 the State of Nevada; KERRY )  
 KUBLA, in his individual )  
 12 capacity, et al., )  
 )  
 13 Defendants. )  
 14

15 VIDEOTAPED DEPOSITION OF  
 16 BRICE CLEMENTS  
 17 Taken on October 7, 2024  
 18 at 10:04 a.m.  
 19 By a Certified Court Reporter  
 20 Las Vegas, Nevada  
 21  
 22

23 Stenographically reported by:  
 Heidi K. Konsten, NV CCR 845, RPR  
 24 JOB NO. 57949 - Firm No. 116F  
 25

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| <p>2</p> <p>1 Videotaped deposition of BRICE CLEMENTS,<br/>2 Volume I, stenographically taken at 400 South<br/>3 Seventh Street, Las Vegas, Nevada, on<br/>4 Monday, October 7, 2024, at 10:04 a.m., before<br/>5 Heidi K. Konsten, Certified Court Reporter in and<br/>6 for the State of Nevada.<br/>7<br/>8 APPEARANCES OF COUNSEL<br/>9 For the Plaintiff:<br/>10 CORRINE MURPHY, ESQ.<br/>11 Breedon &amp; Associates, PLLC<br/>12 7432 West Sahara Avenue<br/>13 Suite 101<br/>14 Las Vegas, Nevada 89117<br/>15 (702) 508-9250<br/>16 (702) 508-9365 Fax<br/>17 For the Defendants:<br/>18 CRAIG R. ANDERSON, ESQ.<br/>19 Marquis Aurbach<br/>20 10001 Park Run Drive<br/>21 Las Vegas, Nevada 89145<br/>22 (702) 382-0711<br/>23 (702) 382-5816 Fax<br/>24<br/>25 Also present:<br/><br/>Dawn Beck, Videographer<br/><br/>* * * * *</p> | <p>4</p> <p>1 LAS VEGAS, NEVADA<br/>2 Monday, October 7, 2024<br/>3 10:04 a.m.<br/>4 DEPOSITION OF BRICE CLEMENTS<br/>5 * * * * *<br/>6<br/>7 THE VIDEOGRAPHER: Good morning. We<br/>8 are now on the record. This begins the<br/>9 video-recorded deposition of Brice Clements.<br/>10 Today's date is October 7, 2024. The time on the<br/>11 video monitor is 10:04 a.m. We are located at 400<br/>12 South Seventh Street in Las Vegas, Nevada.<br/>13 This case is entitled Latia Alexander,<br/>14 et al., versus Las Vegas Metropolitan Police<br/>15 Department, et al. The case number is<br/>16 2:24-cv-00074-APG-NJK in the United States<br/>17 District Court, District of Nevada.<br/>18 My name is Dawn Beck, legal video<br/>19 specialist. The court reporter is Heidi Konsten.<br/>20 We're representing Lexitas.<br/>21 Will counsel please state your<br/>22 appearance for the record and whom you represent.<br/>23 MS. MURPHY: Good morning. Corrine<br/>24 Murphy, Bar Number 10410, on behalf of plaintiff.<br/>25 MR. ANDERSON: Craig Anderson on</p> |
| <p>3</p> <p>1 INDEX<br/>2<br/>3<br/>4 BRICE CLEMENTS<br/>5 Examination by Ms. Murphy<br/>6<br/>7<br/>8 EXHIBITS<br/>9 No. Description Page<br/>10 Exhibit 1 Notice of Deposition 6<br/>11<br/>12<br/>13<br/>14<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p>   | <p>5</p> <p>1 behalf of defendants.<br/>2 THE VIDEOGRAPHER: Thank you.<br/>3 Will the court reporter please swear<br/>4 in the witness.<br/>5<br/>6 Whereupon,<br/>7 BRICE CLEMENTS,<br/>8 was called as a witness, and having been first duly<br/>9 sworn to testify to the truth, was examined and<br/>10 testified as follows:<br/>11<br/>12 EXAMINATION<br/>13 BY MS. MURPHY:<br/>14 Q Good morning, Mr. Clements. My name is<br/>15 Corrine Murphy.<br/>16 Let the record reflect this is the time<br/>17 and place for the deposition of Brice Clements in<br/>18 the matter of Latia Alexander, et al., versus Las<br/>19 Vegas Metropolitan Police Department, et al., Case<br/>20 number 2:24-cv-00074.<br/>21 Would you prefer that I call you<br/>22 Mr. Clements or Brice?<br/>23 A Brice is fine.<br/>24 Q Okay. Can you please state and spell<br/>25 your full name for the record?</p>  |

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| <p>6</p> <p>1 A Yes. Brice John Rollin Clements.</p> <p>2 That's B-R-I-C-E, J-O-H-N, R-O-L-L-I-N,</p> <p>3 C-L-E-M-E-N-T-S.</p> <p>4 Q And, Brice, you have been -- you had</p> <p>5 your deposition noticed for today.</p> <p>6 Did you have an opportunity to review</p> <p>7 the deposition notice?</p> <p>8 A Yes.</p> <p>9 MS. MURPHY: Okay. And I'm going to</p> <p>10 ask the court reporter -- this is the first</p> <p>11 amended notice of videotaped deposition --</p> <p>12 videotaped deposition of Brice Clements. Can we</p> <p>13 please mark that as Exhibit 1 to today's</p> <p>14 deposition transcript.</p> <p>15 (Exhibit 1 was identified.)</p> <p>16 BY MS. MURPHY:</p> <p>17 Q And you understand that you're here</p> <p>18 today to discuss the officer-involved shooting of</p> <p>19 Isaiah Williams?</p> <p>20 A Yes.</p> <p>21 Q Have you ever given your deposition</p> <p>22 before?</p> <p>23 A No.</p> <p>24 Q Okay. I'm not going to go -- I'm sure</p> <p>25 that you've been prepared by your attorney. I'm</p>  | <p>8</p> <p>1 times.</p> <p>2 A I believe two times. The first one was</p> <p>3 a group setting at his office for approximately an</p> <p>4 hour to an hour and a half. The second one was in</p> <p>5 his office for approximately 30, 40 minutes.</p> <p>6 Q And what date was the 30- to 40-minute</p> <p>7 meeting on?</p> <p>8 A That was last week on Wednesday, I</p> <p>9 believe.</p> <p>10 Q And the group setting meeting,</p> <p>11 approximately how long ago was that?</p> <p>12 A That was back in probably June.</p> <p>13 Q And I know that you -- I can see that</p> <p>14 you brought your CIRT statement with you, and you</p> <p>15 just listed that as one of the things that you</p> <p>16 reviewed for today's deposition.</p> <p>17 Are there any other documents that you</p> <p>18 reviewed in preparation for today's deposition?</p> <p>19 A Yes. I was given the court info and I</p> <p>20 think just the litigation as far as why we're</p> <p>21 here.</p> <p>22 Q Okay. And, Brice, you completed what</p> <p>23 are called interrogatories and requests for</p> <p>24 production of documents.</p> <p>25 Do you remember doing those at all?</p> |
| <p>7</p> <p>1 not going to go into a lot of instructions. The</p> <p>2 only instruction I'm going to provide is that the</p> <p>3 oath that you just took is the same oath that you</p> <p>4 would give if you were in a court of law and the</p> <p>5 same penalties of perjury apply, even though we're</p> <p>6 not in a court of law.</p> <p>7 Do you understand that instruction?</p> <p>8 A I understand.</p> <p>9 Q Okay. Is there any reason that you</p> <p>10 would not be able to understand my questions and</p> <p>11 give your best and truthful testimony today?</p> <p>12 A No.</p> <p>13 Q Are you under any medications or any</p> <p>14 other issue that would inhibit your ability to</p> <p>15 provide reliable testimony today?</p> <p>16 A No.</p> <p>17 Q Okay. Can you please tell me everything</p> <p>18 you did to prepare for today's deposition.</p> <p>19 A Spoke with Craig Anderson, read my CIRT</p> <p>20 interview, and just reflected on the actual call</p> <p>21 through memory.</p> <p>22 Q Okay. And I don't -- I'm not entitled</p> <p>23 to know what you spoke about with Craig. That's</p> <p>24 attorney-client privilege. But I am entitled to</p> <p>25 know how long you met with Craig for and how many</p> | <p>9</p> <p>1 A Yes.</p> <p>2 Q Okay. Did you review those in</p> <p>3 preparation for today's deposition?</p> <p>4 A Yes.</p> <p>5 Q Okay. Are there any other documents</p> <p>6 that you may have reviewed -- that you did review</p> <p>7 for -- in preparation for today's deposition?</p> <p>8 A No.</p> <p>9 Q Okay. Other than your own statement,</p> <p>10 have you reviewed the statements of any of the</p> <p>11 other police officers?</p> <p>12 A Yes.</p> <p>13 Q Okay. Who else's statement did you</p> <p>14 review?</p> <p>15 A Gonzales. Alex Gonzales.</p> <p>16 Q Okay. And when you say "statement," do</p> <p>17 you mean his CIRT -- his recorded CIRT statement,</p> <p>18 or did you review his deposition transcript?</p> <p>19 A His deposition transcript.</p> <p>20 Q Okay. And did you read the entire</p> <p>21 deposition transcript?</p> <p>22 A No.</p> <p>23 Q Okay. How much of it did you read?</p> <p>24 A Bits and pieces. I didn't read the</p> <p>25 whole thing.</p>  |



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| <p>10</p> <p>1 Q Okay. In reviewing Officer Gonzales's<br/>2 deposition transcript, was there any information<br/>3 that you found surprising?<br/>4 A No.<br/>5 Q Okay. Did you agree -- with the items<br/>6 that you read in Officer Gonzalez's deposition<br/>7 transcript, were you mostly in agreement with<br/>8 them?<br/>9 A Yes.<br/>10 Q Can you give me a brief description of<br/>11 what parts of Officer Gonzalez's deposition<br/>12 transcript you reviewed?<br/>13 A The first couple of questions<br/>14 reference -- the questions that you're asking<br/>15 right now, and a little bit into questions related<br/>16 to the actual shooting.<br/>17 Q Okay. Anything else?<br/>18 A No.<br/>19 Q Did you read any parts of Officer<br/>20 Gonzalez's deposition transcript where he talked<br/>21 about what he might have done differently or what<br/>22 the cause of this incident was, in his opinion?<br/>23 A No.<br/>24 Q Okay. And so we've kind of gone over<br/>25 some stuff. Every time I ask you, you're giving</p> | <p>12</p> <p>1 A It didn't pop up into my head.<br/>2 Q Okay. And I'm going to go over the<br/>3 instruction one more time.<br/>4 It is your responsibility today to give<br/>5 me your best, whole answers.<br/>6 Do you understand the nature of that<br/>7 instruction?<br/>8 A Yes, I do.<br/>9 Q Okay. Is your -- what are your normal<br/>10 work hours? As we sit here today, what are your<br/>11 normal work hours?<br/>12 A My work hours as we sit today are 6:30<br/>13 to 4:30, Monday through Friday -- Monday through<br/>14 Thursday.<br/>15 Q Okay. Is that 6:30 a.m.?<br/>16 A Yes.<br/>17 Q Okay. And Monday through Thursday, so<br/>18 this would normally be during your working time;<br/>19 is that correct?<br/>20 A That is correct.<br/>21 Q Okay. And you got today off to do the<br/>22 deposition?<br/>23 A No. I was actually in class.<br/>24 Q What kind of class were you in?<br/>25 A Supervisor's class.</p> |
| <p>11</p> <p>1 me more items that you reviewed.<br/>2 It is your responsibility in this<br/>3 deposition to give me complete and whole answers,<br/>4 so I'm going to ask you one last time. And if you<br/>5 want to take a moment to think about it, please do<br/>6 that.<br/>7 Did you review anything else to prepare<br/>8 for today's deposition?<br/>9 A That was the only extra thing.<br/>10 MR. ANDERSON: Well, you said<br/>11 documents. We watched body cam.<br/>12 MS. MURPHY: Okay. Okay.<br/>13 BY MS. MURPHY:<br/>14 Q Why did you not list off the body cam<br/>15 when I asked you what you did to prepare for<br/>16 today's depositions?<br/>17 A I just figured documents. I mean, I've<br/>18 reviewed the --<br/>19 Q Well, my first question was "tell me<br/>20 everything you did to prepare for today's<br/>21 deposition."<br/>22 Is that fair?<br/>23 A Yes.<br/>24 Q So why didn't you tell me you reviewed<br/>25 the body cam?</p>   | <p>13</p> <p>1 Q What's a supervisor's class?<br/>2 A It's a POST two-week class basically to<br/>3 give insight on how to be a good leader.<br/>4 Q Okay. Are you up for a promotion<br/>5 currently?<br/>6 A Already promoted.<br/>7 Q Oh, congratulations.<br/>8 A Thank you.<br/>9 Q What were you promoted to?<br/>10 A Sergeant.<br/>11 Q And when did that happen?<br/>12 A May 13 of '23.<br/>13 Q Okay. And are you -- as we sit here<br/>14 today, are you still with SWAT?<br/>15 A No, I'm not.<br/>16 Q Who are you with now?<br/>17 A Patrol.<br/>18 Q So you are a sergeant in a patrol -- in<br/>19 the patrol unit.<br/>20 Am I saying that accurately, or should<br/>21 it be said differently?<br/>22 A No, patrol.<br/>23 Q Okay.<br/>24 A Yeah, patrol division.<br/>25 Q Did your transfer out of SWAT, was that</p>   |

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| <p>14</p> <p>1 in any way related to this incident?</p> <p>2 A No.</p> <p>3 Q Okay. And so why did you transfer out</p> <p>4 of SWAT?</p> <p>5 A To promote.</p> <p>6 Q Okay. And so I'm going to -- Brice, I'm</p> <p>7 going to go over some background. And so let me</p> <p>8 ask you, at the time of the incident, do you</p> <p>9 remember what your work schedule was? And I --</p> <p>10 just for the record, I know you know, but I have</p> <p>11 to say it for the record.</p> <p>12 When I refer to "the incident," I'm</p> <p>13 talking about the officer-involved shooting on</p> <p>14 January 10th, 2022.</p> <p>15 A Yes.</p> <p>16 Q Okay. At the time of the incident, what</p> <p>17 was your work schedule?</p> <p>18 A I worked Sunday through Wednesday and</p> <p>19 swing shift. It changed a couple of times. If I</p> <p>20 remember correctly, I believe it was 2:00 to</p> <p>21 midnight at that time.</p> <p>22 Q Okay. Was it almost like a -- if I call</p> <p>23 it a wobbler schedule --</p> <p>24 A I mean, I was on call 24/7.</p> <p>25 Q Okay. And so was the -- it's a little</p> | <p>16</p> <p>1 Q Okay. All right. Now, Brice, I'm going</p> <p>2 to ask you some background questions.</p> <p>3 What's your highest level of education?</p> <p>4 A I have a bachelor's degree in chemistry,</p> <p>5 biochemistry, with an emphasis in forensic</p> <p>6 chemistry.</p> <p>7 Q Is it a dumb question for me to ask how</p> <p>8 you ended up being a police officer? Because that</p> <p>9 seems like headed towards med school.</p> <p>10 A I came down here to do forensics with</p> <p>11 the department. It was 2007. So the fall of --</p> <p>12 if you remember, in 2008, we had a major issue</p> <p>13 with the government and jobs were hard to find.</p> <p>14 In 2007 I decided to try law enforcement, and I'm</p> <p>15 happy that I did.</p> <p>16 Q Okay. And where did you receive your</p> <p>17 BA?</p> <p>18 A Eastern Washington University.</p> <p>19 Q Okay.</p> <p>20 A I also have an associate's degree from</p> <p>21 Columbia Basin College, which I got at the same</p> <p>22 time that I graduated high school.</p> <p>23 Q And what was your -- what was your</p> <p>24 associate's degree in?</p> <p>25 A Just general associate's.</p> |
| <p>15</p> <p>1 early in the morning for me.</p> <p>2 Was the execution of this warrant during</p> <p>3 your normal work hours?</p> <p>4 A No.</p> <p>5 Q Okay. So you were -- if I say "called</p> <p>6 in" for this, is that accurate?</p> <p>7 A Called out.</p> <p>8 Q Called out.</p> <p>9 That's what you call it, a call-out?</p> <p>10 A Uh-huh.</p> <p>11 Q Okay. Why were you called out for this?</p> <p>12 A Because it wasn't during our regular</p> <p>13 work hours.</p> <p>14 Q Okay. And do you have the option of,</p> <p>15 like, accepting a call-out, or do you just get</p> <p>16 called out and you have to show up?</p> <p>17 A When it's on your workdays, which this</p> <p>18 was, you have no -- there's no option. You --</p> <p>19 those are your workdays. You go in.</p> <p>20 Q Okay. All right. So if I understand</p> <p>21 correctly, you have, like, normal shift hours, but</p> <p>22 any -- for something like this, a search warrant</p> <p>23 like this, if it falls on your workday, then you</p> <p>24 get called -- you get called out for it?</p> <p>25 A Yes.</p>             | <p>17</p> <p>1 Q Okay. Are you a member of any</p> <p>2 professional organizations related to your</p> <p>3 profession currently?</p> <p>4 A In what -- like examples?</p> <p>5 Q Yeah. So sometimes when I ask that</p> <p>6 question, some people will tell me, you know, oh,</p> <p>7 I'm -- I belong to, like, an officer -- like, a --</p> <p>8 like an officer support group or, like, with</p> <p>9 sometimes in military and stuff -- what's it</p> <p>10 called? The -- oh, gosh. The organization for</p> <p>11 veterans or like a -- sometimes -- sometimes</p> <p>12 officers are maybe involved in, like, a shooting</p> <p>13 club or something like that.</p> <p>14 A No.</p> <p>15 Q Okay. And we went over this briefly.</p> <p>16 So I understand your current position is</p> <p>17 sergeant in patrol, and you were promoted in May</p> <p>18 of 2023; correct?</p> <p>19 A Correct.</p> <p>20 Q Okay. How is that going?</p> <p>21 A Good.</p> <p>22 Q Okay. Can you kind of walk me through</p> <p>23 your -- your professional background with LVMPD</p> <p>24 leading up to this incident?</p> <p>25 A Sure. I was hired in -- June 18th,</p>                  |

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| <p style="text-align: right;">18</p> <p>1 2009. Finished the academy and graduated in<br/> 2 December of same year. Did patrol up until<br/> 3 approximately four years on, where I tested for<br/> 4 field training officer. Passed that. Was a field<br/> 5 training officer for approximately five to five<br/> 6 and a half years before I went to SWAT.<br/> 7 Q And what does a field training officer<br/> 8 do?<br/> 9 A They train the officers that come out of<br/> 10 the academy. So they get their, like, on-the-job<br/> 11 training.<br/> 12 Q Okay. And so you're going to -- if some<br/> 13 of my questions seem a little awkward, it's<br/> 14 because I'm not a police officer, so I don't know<br/> 15 what --<br/> 16 A I understand.<br/> 17 Q Yeah. So is it -- if I understand<br/> 18 the -- the chronology that you just gave me, you<br/> 19 were a field training officer. And from that,<br/> 20 where you're training other officers, you then<br/> 21 went into SWAT; is that --<br/> 22 A That is correct.<br/> 23 Q So you weren't, like, on patrol or part<br/> 24 of, like, a narcotics unit or anything like that<br/> 25 prior to being on SWAT?</p>  | <p style="text-align: right;">20</p> <p>1 Q Okay.<br/> 2 A Which they have already been -- to be<br/> 3 honest, been trained on in the academy.<br/> 4 Q I would hope so.<br/> 5 So I guess I'm trying to figure out --<br/> 6 and I'm trying to figure out, like, would you<br/> 7 actually -- like, out in the field would you say,<br/> 8 "Okay. You need to do X, Y, and Z in order to --<br/> 9 you know, comply with this case law"? Or is it<br/> 10 more, like, you would sit down and have a study<br/> 11 session? I guess that --<br/> 12 A Study sessions. But also the department<br/> 13 puts on study sessions via -- what we call our<br/> 14 UMLV.<br/> 15 Q What's UMLV?<br/> 16 A University of Metro Las Vegas. So it's<br/> 17 a program that the department puts out with<br/> 18 various training videos or training in general.<br/> 19 Q And as part of UMLV or your training of<br/> 20 other officers, did you go over what knock and<br/> 21 announce means?<br/> 22 A In patrol, you don't do search warrants.<br/> 23 So briefed over things like that, but that's not<br/> 24 what a daily patrol officer does.<br/> 25 Q And so -- and, I'm sorry, I know you</p>                           |
| <p style="text-align: right;">19</p> <p>1 A No. Patrol.<br/> 2 Q Okay. And so can you kind of tell me,<br/> 3 like -- you have given me a little bit of a<br/> 4 description. But can you kind of walk me through,<br/> 5 like, what kind of stuff would you do field<br/> 6 training for? Like, what did the training look<br/> 7 like or provide for? You weren't training.<br/> 8 A The field training would provide the new<br/> 9 officers on-the-job training for various calls,<br/> 10 paperwork, understanding criminal law,<br/> 11 understanding the defensive tactics, understanding<br/> 12 the use of force, and any questions related to<br/> 13 that.<br/> 14 Q And so that's actually really<br/> 15 interesting. You're the first police officer that<br/> 16 I've talked to that has a background in training<br/> 17 other officers in criminal law and use of force.<br/> 18 So can you kind of walk me through,<br/> 19 like, what would that training look like?<br/> 20 A You go through some of the laws that<br/> 21 pertain to an officer using force like -- related<br/> 22 to, you know, a fleeing felon, things like that.<br/> 23 Q Okay. And how would you train officers<br/> 24 in that?<br/> 25 A By reading the laws.</p> | <p style="text-align: right;">21</p> <p>1 told me, but I -- I didn't make a note of it as<br/> 2 well as I should have.<br/> 3 How long had you been in SWAT before<br/> 4 this incident occurred?<br/> 5 A Approximately three years. But I was<br/> 6 doing training with SWAT, meaning role-playing<br/> 7 and/or going through SWAT schools and testing.<br/> 8 I've been through, I believe, four SWAT schools.<br/> 9 And the last one that I went through was<br/> 10 completely graded.<br/> 11 Q What does "completely graded" mean?<br/> 12 A It means for the four weeks of the SWAT<br/> 13 school, every day you are graded on it. And that<br/> 14 was to be placed on the list.<br/> 15 Q And what does "the list" mean?<br/> 16 A The list is the -- is ranked. And then<br/> 17 dependent on where you are in positions opening<br/> 18 wise, then you get pulled from that list.<br/> 19 Q And how were your grades?<br/> 20 A I was number one on the list.<br/> 21 Q And is that the normal way that you<br/> 22 would qualify for SWAT?<br/> 23 A It has changed over my career, but for<br/> 24 the most part, yes. You have a physical test,<br/> 25 a -- which is an obstacle course to include</p> |



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| <p style="text-align: right;">22</p> <p>1 shooting. And you also have a qualification for</p> <p>2 your handgun and your rifle.</p> <p>3 Then you move on to an actual, like,</p> <p>4 physical fitness test. And then after that are</p> <p>5 scenarios, and then the SWAT school.</p> <p>6 Q Okay. And so you -- had you been</p> <p>7 through four SWAT schools by the time of this</p> <p>8 innocent -- incident?</p> <p>9 A Yes.</p> <p>10 Q Okay. And can you tell me -- I'm going</p> <p>11 to ask the question in two parts, and if it's the</p> <p>12 same, then tell me it's the same.</p> <p>13 I'm going to ask you what knock and</p> <p>14 announce mean to you, what your understanding as a</p> <p>15 SWAT officer is, what that knock-and-announce rule</p> <p>16 means. And I'm going to ask you what it means for</p> <p>17 you here today. And if that is different, than</p> <p>18 how -- what it meant for you in 2022 at the time</p> <p>19 of this incident.</p> <p>20 A Okay. So knock and announce is a tactic</p> <p>21 that we use where we would announce our intentions</p> <p>22 to somebody inside of a building/residence related</p> <p>23 to the search warrant.</p> <p>24 Q Okay. To your -- and I'm assuming that</p> <p>25 that's the same as what you understood it to be as</p> | <p style="text-align: right;">24</p> <p>1 a search warrant, which is why we announce</p> <p>2 "Police, search warrant."</p> <p>3 Q And why do you have to do that?</p> <p>4 A To announce our intentions to the people</p> <p>5 that are inside.</p> <p>6 Q And why does the person inside get to</p> <p>7 understand -- get to -- sorry. Strike that.</p> <p>8 Why does the person inside get to hear</p> <p>9 the announcement of your intention?</p> <p>10 A Because we're going into their</p> <p>11 residence.</p> <p>12 Q Okay. Are there any rights that are</p> <p>13 triggered -- does the person inside have any kind</p> <p>14 of rights or do you have any type of duties to</p> <p>15 make those announcements?</p> <p>16 A Yeah, through the Fourth Amendment.</p> <p>17 Q Okay. And can you kind of walk me</p> <p>18 through what your understanding of that is?</p> <p>19 A Yes. You can't just enter somebody's</p> <p>20 house just to enter somebody's house.</p> <p>21 Q Why not?</p> <p>22 A Because it's an intrusion on their</p> <p>23 liberties.</p> <p>24 Q Okay. And so I asked a little bit</p> <p>25 earlier about the time that you need to provide.</p>          |
| <p style="text-align: right;">23</p> <p>1 in 2022?</p> <p>2 A Absolutely.</p> <p>3 Q Okay. To your knowledge, is there any</p> <p>4 amount of time that you must wait before entering</p> <p>5 the unit after you've made your -- your first</p> <p>6 knock and announce?</p> <p>7 A There's time that is wished it to be,</p> <p>8 but time varies.</p> <p>9 Q Okay. And I think I understand what you</p> <p>10 mean by "wished it to be," which means -- these</p> <p>11 are called dynamic entries, right, where there's a</p> <p>12 lot of stuff changing?</p> <p>13 A Yes.</p> <p>14 Q So can you tell me what the "wished for"</p> <p>15 amount of time is?</p> <p>16 A At the time, I think it was</p> <p>17 approximately around ten seconds. And if I</p> <p>18 remember correctly, entry was at 17 and a half</p> <p>19 seconds.</p> <p>20 Q Okay. But entry was at 17 and a half</p> <p>21 seconds through the window; correct?</p> <p>22 A I have no idea.</p> <p>23 Q Okay. And can you tell me, what is the</p> <p>24 purpose of knock and announce?</p> <p>25 A To announce our intentions, that we have</p>  | <p style="text-align: right;">25</p> <p>1 What's your understanding of why you need to</p> <p>2 provide time? We talked about the difference</p> <p>3 between the wished-for time and what actually</p> <p>4 happens in the field.</p> <p>5 What is your understanding of why that</p> <p>6 has to occur?</p> <p>7 A To allow that person to hear and</p> <p>8 understand the intention of the police that are</p> <p>9 coming in and that they have a search warrant.</p> <p>10 Q And so as we sit here today, you</p> <p>11 understand, correct, that it is a person's</p> <p>12 constitutional right to have clear notice of a</p> <p>13 police officer's intent to enter?</p> <p>14 A Yes.</p> <p>15 Q Okay. Do you -- and we will get into</p> <p>16 the specifics of this actual incident itself.</p> <p>17 In terms of the young man that was shot,</p> <p>18 Isaiah Williams, do you think that he had a clear</p> <p>19 notice of your -- your unit's intent to enter the</p> <p>20 apartment?</p> <p>21 A Absolutely.</p> <p>22 Q Why do you say that?</p> <p>23 A Because the patrons in the apartment</p> <p>24 above heard our announcements.</p> <p>25 Q How do you know that?</p> |

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1 A Because they testified to it.  
 2 Q When did they testify to it?  
 3 A When they were interviewed by -- I'm  
 4 assuming CIRT or FED.  
 5 Q And what was your understanding of their  
 6 testimony?  
 7 A That they heard us yelling and yelling  
 8 "Police, search warrant" and the apartment and the  
 9 apartment number.  
 10 Q Okay. The apartment number was yelled?  
 11 A Uh-huh.  
 12 Q Okay. And, Brice, as we sit here today,  
 13 do you think that perhaps the experience of the  
 14 people above you could be different than the  
 15 experience of Mr. Williams?  
 16 MR. ANDERSON: Objection. Form.  
 17 You can answer. When I object, always  
 18 answer --  
 19 THE WITNESS: Okay.  
 20 MR. ANDERSON: -- unless I tell you  
 21 not to.  
 22 THE WITNESS: What's that now? Can  
 23 you repeat the question?  
 24 MS. MURPHY: Would you mind rereading  
 25 the question?

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1 THE COURT REPORTER: Sure.  
 2 MS. MURPHY: I ask her to re-read it  
 3 because -- sorry. Off the record for just a  
 4 second.  
 5 (Discussion off the record.)  
 6 (Whereupon, the record was read.)  
 7 MR. ANDERSON: Absolutely.  
 8 BY MS. MURPHY:  
 9 Q Okay. And that could be also because  
 10 their windows weren't being broken; correct?  
 11 A Yes.  
 12 Q They didn't have a distraction device  
 13 being inserted through their windows; correct?  
 14 A Correct.  
 15 Q They didn't have a 9 banger going off in  
 16 close proximity to them; correct?  
 17 A Yes.  
 18 Q Okay. In -- in your opinion, what is  
 19 the first and most important constitutional right  
 20 that any individual has?  
 21 A A right to their person and property.  
 22 Q In performing your job as a police  
 23 officer, do you agree with me that you have a duty  
 24 to conduct yourselves such that you do not violate  
 25 the civil or constitutional rights of members of

28

1 the public?  
 2 A Absolutely.  
 3 Q Do you also agree that if you see other  
 4 officers violating the civil or constitutional  
 5 rights of a member of the public, you have a duty  
 6 to intervene and stop that officer?  
 7 A Absolutely.  
 8 Q And can you please tell me, Brice -- and  
 9 if it's -- when I ask questions about, like,  
 10 definitions, it will be a standing instruction,  
 11 but I'll clarify it each time.  
 12 If your understanding of a definition or  
 13 parameter that I'm asking you for is different  
 14 today than it was in 2022, can you please identify  
 15 what differences they may be?  
 16 A Sure.  
 17 Q Okay. So I'm going to ask you, what is  
 18 a no-knock warrant?  
 19 A A no-knock warrant would be essentially  
 20 a no-knock warrant. You're not knocking. You're  
 21 not announcing. You're immediately going in.  
 22 Q And I'm going to ask the question,  
 23 because I want a -- because I want it for the  
 24 record, although I know it's somewhat  
 25 self-explanatory.

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1 What's the -- what are -- what's the  
 2 difference between a no-knock and a knock and  
 3 announce?  
 4 A You're announcing.  
 5 Q And what type of warrants would you get  
 6 a no-knock warrant for?  
 7 A Something high profile, I would say.  
 8 Something that would be extremely dangerous to the  
 9 officers or it could be extremely dangerous for  
 10 the person who is inside.  
 11 Q And to clarify, this was a knock and  
 12 announce warrant; correct?  
 13 A Yes, it was.  
 14 Q Can you get a no-knock warrant for a  
 15 property-only search warrant?  
 16 A Not that I know -- not that -- I  
 17 couldn't tell you, off the top of my head right  
 18 now.  
 19 Q Okay. That's fair. If you -- if you  
 20 don't know the answer, then just -- thank you for  
 21 being candid about that.  
 22 And I'm going to ask you some more  
 23 specifics about it later. But as we sit here  
 24 today, do you have an understanding of what type  
 25 of search warrant you were executing that day?

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|--|--|
| <p>30</p> <p>1 A Yes. It was a homicide warrant.</p> <p>2 Q Was it a property or person?</p> <p>3 A Both.</p> <p>4 Q Okay. And, Brice, can you please tell</p> <p>5 me -- I always say this wrong -- what is a CET?</p> <p>6 A It is a controlled entry tactic.</p> <p>7 Q Okay. And can you tell me, what is a</p> <p>8 controlled entry tactic?</p> <p>9 A Yes. You use speed and surprise in</p> <p>10 order to safely get into an apartment and clear it</p> <p>11 quickly and safely.</p> <p>12 Q In this case, did you think that the --</p> <p>13 that yourself and the other officers got into this</p> <p>14 unit safely?</p> <p>15 A When the door opened?</p> <p>16 Q Yes.</p> <p>17 A Yes.</p> <p>18 Q Okay. And why do you think that you got</p> <p>19 in safely?</p> <p>20 A Because the door opened and --</p> <p>21 Q I'm trying -- I'm sorry. She can only</p> <p>22 take down one person at a time, and I'm trying not</p> <p>23 to interrupt you. So if I interrupt you, I'm</p> <p>24 going to pull back. And please finish saying what</p> <p>25 you're saying.</p>  | <p>32</p> <p>1 A I believe that we made enough of an</p> <p>2 announcement and -- and any reasonable person</p> <p>3 would understand that announcement.</p> <p>4 Q And as we sit here today, I know that</p> <p>5 you've read your CIRT statement.</p> <p>6 Have you read the CIRT report itself?</p> <p>7 A I was there when they presented it.</p> <p>8 Q And you understand that CIRT does not</p> <p>9 believe that this was a proper entry; is that</p> <p>10 correct?</p> <p>11 A Not that I remember.</p> <p>12 Q Okay.</p> <p>13 A It was a long time ago.</p> <p>14 Q Okay. And later on in the deposition,</p> <p>15 I'll read some of their conclusions for you, and</p> <p>16 we'll get into that a little bit more.</p> <p>17 A Okay.</p> <p>18 Q Can you use a CET on a</p> <p>19 knock-and-announce warrant?</p> <p>20 A Yes.</p> <p>21 Q Okay. As we sit here today, there's</p> <p>22 been no policy change on that?</p> <p>23 A They have changed the policy, I</p> <p>24 believe --</p> <p>25 Q What --</p>  |
| <p>31</p> <p>1 A Okay. At the time of the door opening,</p> <p>2 yes, I believe it was a safe entry. As of the</p> <p>3 time that I entered, it was not safe.</p> <p>4 Q And so why do you -- Brice, why do you</p> <p>5 distinguish between those two -- those two --</p> <p>6 because those seem pretty close in proximity</p> <p>7 time-wise to me. So why do you make that -- that</p> <p>8 distinguishing comment?</p> <p>9 A Because we weren't fired upon until we</p> <p>10 entered.</p> <p>11 Q Do you think there was a possibility you</p> <p>12 could have been fired on before entering?</p> <p>13 A Yes. There's always that possibility.</p> <p>14 Q Okay. And so upon entering, though,</p> <p>15 once the doors opened, you would make the -- you</p> <p>16 would make the change in your assessment of safety</p> <p>17 as it being unsafe; correct?</p> <p>18 A Based off the circumstances as you</p> <p>19 enter.</p> <p>20 Q Okay. So in this case, the CET did not</p> <p>21 meet its intention of allowing you to safely be in</p> <p>22 the unit; correct?</p> <p>23 A Due to Mr. Williams.</p> <p>24 Q Okay. And you place all of that blame</p> <p>25 on Mr. Williams. Is that fair to say?</p> | <p>33</p> <p>1 A -- within the department.</p> <p>2 Q What's your -- and it doesn't need to be</p> <p>3 a perfect --</p> <p>4 A What I will say is that at the time, a</p> <p>5 CET was appropriate for the apartment. And the</p> <p>6 reasoning for that is that we could not safely</p> <p>7 surround it, based off of our tactics at the time.</p> <p>8 When you think about doing a surround</p> <p>9 and call-out, the whole purpose of that is to be</p> <p>10 able to surround it safely on all sides. We</p> <p>11 couldn't do that with the apartment. The</p> <p>12 apartment was down below a little bit from street</p> <p>13 level, and there was a business behind. There's</p> <p>14 also an apartment above.</p> <p>15 Q Okay.</p> <p>16 A BearCats are not able to get in there,</p> <p>17 which is a tool that we use in order to call</p> <p>18 people out.</p> <p>19 Q Okay. And you have made the -- you've</p> <p>20 made the distinction between then and now.</p> <p>21 As we sit here today, this would -- if</p> <p>22 you had a similar -- and I understand that I'm</p> <p>23 asking you to look backwards, and sometimes that</p> <p>24 can be an unfair, you know, standard.</p> <p>25 But as we sit here today, if you're --</p> |



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1 if SWAT were -- were tasked with serving this  
 2 search warrant again today -- the same type of  
 3 search warrant, the same type of physical  
 4 parameters of the unit -- would they be able to do  
 5 a CET, or would they have to do a surround and  
 6 call-out?  
 7 A That would be a decision not made by me.  
 8 Q Okay. Based on your understanding of  
 9 what the current policies of what LVMPD are, do  
 10 you have any position on what it would be?  
 11 A No.  
 12 Q Okay. So if I were to represent to you  
 13 that, as we sit here today, based on the policies  
 14 of LVMPD, this would have to be a surround and  
 15 call-out, that's new information to you?  
 16 A Again, I haven't been in SWAT, so the  
 17 policies have changed since I've been there.  
 18 Q Okay. That's fair.  
 19 Do you believe that there's any conflict  
 20 between knock and announce and a CET?  
 21 A Any conflict?  
 22 Q Yeah.  
 23 A In what meaning?  
 24 Q That the purpose of knock and announce  
 25 is to -- based on how you've just described it to

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1 me, the purpose of knock and announce is to give  
 2 the person on the other side of the door the --  
 3 the information or knowledge of the police  
 4 officer's intention to enter the unit.  
 5 And so my question to you is, being --  
 6 and you've described what the purpose of knock and  
 7 announce is, being -- what your understanding of  
 8 that is.  
 9 Do you think that there is a conflict  
 10 between that intention and doing a CET?  
 11 A At the time, no.  
 12 Q Okay. What about as we sit here today?  
 13 A I wouldn't change what we -- I wouldn't  
 14 change the CET.  
 15 Q And so my question was a little bit  
 16 different. It's not whether you would change it  
 17 or not. I'm not asking you to rewrite history.  
 18 I'm just asking, in your personal  
 19 opinion, based on your training, your field  
 20 experience, everything that you have gone through  
 21 as a police officer, do you think that there's any  
 22 type of conflict between knock and announce and a  
 23 CET, or do you believe that those two things can  
 24 coexist?  
 25 A I think they can coexist.

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1 Q Okay. Okay. And, Brice, I'm going to  
 2 ask you -- now I'm going to kind of go through,  
 3 more in a chronological way, about what happened.  
 4 Can you please give me your -- your  
 5 first awareness of when -- your first awareness of  
 6 this warrant.  
 7 A Yes. It was put out on Sunday that  
 8 there was a possible warrant being worked on by  
 9 homicide.  
 10 Q Okay. And how did you become aware of  
 11 that?  
 12 A Through text message. That's how we'd  
 13 communicate through the team. We have a group  
 14 text message.  
 15 Q Okay. If I call it a group thread --  
 16 A A group thread.  
 17 Q Okay. And so what kind of information  
 18 comes through on the group thread?  
 19 A It can be anything from what we are  
 20 tasked with for that day, who gets tasked with a  
 21 search warrant if we have it. And by that I mean,  
 22 who goes out and does a recon.  
 23 It could be, "Hey, meet at this place,  
 24 because we're training. Hey, be at the office,  
 25 because we have to do this, this, or that." It

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1 just depends.  
 2 Q Okay. And were you part of the recon  
 3 team on this -- on this warrant?  
 4 A I was not.  
 5 Q Can you kind of tell me what -- were you  
 6 ever on the recon -- are you ever on a recon  
 7 team -- sorry. Strike that.  
 8 In terms of executing warrants, did  
 9 you -- were you -- not just this warrant, but  
 10 warrants in general -- were you ever tasked with  
 11 being part of the recon team?  
 12 A Yes.  
 13 Q Okay. But you weren't on this one;  
 14 correct?  
 15 A It's not considered a recon -- there's  
 16 not specific people that do recons. We, as SWAT  
 17 operators, we all do recons. It just depends on  
 18 who gets tasked with it.  
 19 Q Okay. And so -- but on this particular  
 20 one, you were not tasked with it; correct?  
 21 A I was not.  
 22 Q Okay. Prior to meeting at Sam's Town,  
 23 did you have any interaction with whomever did the  
 24 recon or any awareness?  
 25 A Nope.



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1 Q Okay. So you get the text message  
 2 Sunday. You find out that you've got to be at  
 3 Sam's Town very, very early in the morning; is  
 4 that fair?  
 5 A Yes.  
 6 Q Okay. And did you ever see the warrant?  
 7 A No.  
 8 Q Did you ever -- and it's -- I'll ask it  
 9 duplicatively.  
 10 Did you ever read the warrant?  
 11 A No.  
 12 Q Did you ever have any understanding of  
 13 what it was you were going in there to look for?  
 14 A Just people and evidence.  
 15 Q Okay. And what made you -- what --  
 16 what -- what foundation did you have -- what were  
 17 you relayed that made you think that you were  
 18 looking for people too?  
 19 A Because there was suspects put on the --  
 20 on the brief.  
 21 Q Okay.  
 22 A So -- so before every warrant, we have a  
 23 brief, which consists of why we're there, where  
 24 we're going, apartment or house number, what we're  
 25 looking for, what the warrant is actually for.

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1 But as officers that aren't on the recon  
 2 team, we're not looking at the -- the warrant.  
 3 Q And so did you have an understanding of  
 4 whether this was a property only or an arrest  
 5 warrant, or did you think it was both?  
 6 A We had two properties that we were going  
 7 to search -- that we had search warrants for from  
 8 homicide, and there's a possibility that the  
 9 suspects were at either one.  
 10 Q Okay. And if the suspects had been at  
 11 either one, they would have been arrested; is that  
 12 correct?  
 13 A Yes.  
 14 Q Okay. And so at -- I guess I'm trying  
 15 to -- I'll try to phrase my question better.  
 16 At the time that you were getting ready  
 17 to execute this warrant, did you have any  
 18 understanding of whether there was a -- it was  
 19 just an arrest warrant or it was just a search and  
 20 seizure warrant? Am I saying that correctly?  
 21 A A search warrant for property.  
 22 Q Okay. Did you have any understanding if  
 23 it was one, both, or --  
 24 A At the time, I believed it was both,  
 25 because there was two -- two properties, so -- and

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1 the suspects were associated with both.  
 2 Q Okay. Did you -- were you -- were you  
 3 relayed any information that one of the suspects  
 4 had an ankle monitor?  
 5 A I believe that may have been brought up  
 6 in the brief. But that was homicide that was  
 7 dealing with that portion.  
 8 Q Okay. And do you have -- and so if  
 9 you -- and so that's kind of one of the things, is  
 10 if you remember, you remember. If you don't, then  
 11 just say "I don't remember."  
 12 Do you have -- did you have any  
 13 awareness that they had pinged the -- the ankle  
 14 monitor shortly before?  
 15 A For one of them?  
 16 Q Yes.  
 17 A I believe so, yes.  
 18 Q Okay. Did you have any information  
 19 about what that ping showed up as?  
 20 A It was somewhere else than the first  
 21 warrant.  
 22 Q Okay. And did that -- did you -- and I  
 23 know sometimes when you're in high-stress  
 24 situations -- which I'm assuming executing a  
 25 search warrant is a high-stress situation.

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1 A Yeah.  
 2 Q Sometimes you get information and you  
 3 just kind of think, "Okay, that's the  
 4 information," and then sometimes you assess it.  
 5 When you found out that the -- the guy's  
 6 ankle monitor had been pinged somewhere else, did  
 7 you assess that? Like, "Okay. Well, that rules  
 8 him out for being at the unit." Or was it just,  
 9 kind of, like, "Okay, that's one piece of  
 10 information, but I'm still proceeding as if he  
 11 were in there?"  
 12 A There's two suspects. So, yeah, I'm  
 13 proceeding as if somebody is still going to be in  
 14 there --  
 15 Q Okay.  
 16 A -- or other people.  
 17 I've served search warrants that people  
 18 were supposed to be in there and nobody was there,  
 19 and I've served search warrants where nobody was  
 20 supposed to be in there and there's people in  
 21 there. So I don't assume anything when it comes  
 22 to search warrants.  
 23 Q What's the difference, then, between,  
 24 like, executing a search warrant and executing an  
 25 arrest warrant?

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1 A Well, you need a search warrant to  
 2 execute an arrest warrant if somebody is inside.  
 3 Q Okay. And in this case, it was your  
 4 understanding that you had a search warrant and an  
 5 arrest warrant?  
 6 A Again, I didn't read the search  
 7 warrants, but that's what I assumed.  
 8 Q Okay. If it had been a search warrant  
 9 only, would that have changed anything you had  
 10 done?  
 11 A No, because we're still entering the  
 12 residence.  
 13 Q Okay. And can you -- I know that you  
 14 weren't on the recon team, but can you walk me  
 15 through, what is the purpose of the recon team?  
 16 A Absolutely. So you get tasked with the  
 17 recon. You search -- or you read the search  
 18 warrant. You ensure that everything in the search  
 19 warrant, as far as information goes, is accurate.  
 20 So we go out and we ensure that the  
 21 residence is correct, the numbers are correct, the  
 22 description of the residence is correct.  
 23 But also we are looking for whether or  
 24 not the house has bars on windows. Where are the  
 25 windows located? How many doors? Is the door

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1 barricaded or is it -- does it have a, like,  
 2 screen on it? And there's various screens.  
 3 There's a simple screen that is very  
 4 easy to open up, and then there's barred screens  
 5 which are very hard to open up. That determines  
 6 basically what tactics we are going to use in  
 7 order to execute the search warrant.  
 8 Q And are there any things that you --  
 9 you've talked about it a little bit, but I'm going  
 10 to use the concept of "rule out."  
 11 Are there any things that you need to  
 12 rule out in order to make sure that the entry team  
 13 is safe? And, sorry, not the entry team, but the  
 14 potential occupants are safe.  
 15 A Yeah. I mean, you're looking at various  
 16 instances that -- you know, are we able to use  
 17 certain tools effectively? Can we surround it?  
 18 Are we -- you know, is there dogs that we see? Is  
 19 there any inclination that there's kids or  
 20 children in the residence, elderly?  
 21 Just because, again, we're going to  
 22 utilize various tools, depending on the structure.  
 23 Q Okay. And as we sit here today, do you  
 24 have any understanding about there being  
 25 additional unknowns that -- that the recon team

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1 had not ruled out?  
 2 A In reference to?  
 3 Q The door. The brass wrap on the door.  
 4 Whether there were elderly. Whether there were  
 5 kids. Whether there was a dog.  
 6 A From what I gathered from the brief,  
 7 normally all of that stuff is put down.  
 8 Q Okay. All right. So you arrive at  
 9 Sam's Town very early in the morning on Monday  
 10 morning. We talked about the briefing a little  
 11 bit.  
 12 But to the best of your memory, can you  
 13 walk me through what occurred at the briefing?  
 14 A Absolutely. So normally at briefings,  
 15 you look at where you are in stack or what your  
 16 job is, and then we go through an actual brief.  
 17 So the recon officers go over what our tasks are,  
 18 what -- you know, where we're going, who is going  
 19 to lead, who is driving, what tools we need, and  
 20 who we're going after or what we're going after.  
 21 Q Okay. And so to your -- thank you for  
 22 clarifying for me what the briefing goes over.  
 23 In this particular instance -- I know it  
 24 was several years ago, but can you tell me, to the  
 25 best of your memory, what they discussed in the

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1 brief?  
 2 A Yes. They discussed a little bit of --  
 3 I believe homicide discussed a little bit about  
 4 their case, suspect description, the residences,  
 5 obviously. The tactics that we're going to use,  
 6 which, again, is -- that's determined by the  
 7 assistant team leader and the team leader --  
 8 Q And do you remember --  
 9 A -- and the recon officers.  
 10 Q Do you remember who the ATL, the team  
 11 leader, and the recon officers were in this  
 12 instance?  
 13 A I believe it was -- Jake Werner was the  
 14 ATL. Garth Findley was the TL, and Kerry Kubla  
 15 was one of the recon officers. And I also believe  
 16 that the other one was -- just give me a second --  
 17 Kia Hoskins.  
 18 Q Okay. And they went over who was going  
 19 to do what.  
 20 What was your role on the team?  
 21 A I was a -- I was number two entry behind  
 22 Kubla. I was also a low-lethal officer.  
 23 Q And what does that means?  
 24 A It means I carried low-lethal tools,  
 25 which could be a TASER, which I carry all the



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| <p style="text-align: right;">46</p> <p>1 time. In this case, it was a 40 mil -- 40mm<br/> 2 less-lethal launcher.<br/> 3 Q I'm sorry. What was the last part?<br/> 4 A Like, launcher.<br/> 5 Q What's a -- what's a -- what's a 40mm<br/> 6 less-lethal launcher?<br/> 7 A So it's a -- we utilize that tool at a<br/> 8 certain distance. It's got basically a foam tip.<br/> 9 There's different rounds that we utilize,<br/> 10 depending on -- depending on distances and/or what<br/> 11 we want to accomplish.<br/> 12 Q In this case, you did discharge your<br/> 13 weapon; correct?<br/> 14 A Firearm.<br/> 15 Q Firearm. Sorry.<br/> 16 You did discharge your firearm; correct?<br/> 17 A Yes.<br/> 18 Q You did not discharge any of your<br/> 19 low-lethal tools, weapons?<br/> 20 A Didn't have an opportunity. I was being<br/> 21 shot --<br/> 22 Q Okay.<br/> 23 A -- and shot at.<br/> 24 Q And so you told me that you're number<br/> 25 two entry.</p>  | <p style="text-align: right;">48</p> <p>1 And then you go through the actual brief<br/> 2 that the recon officers did. They go through what<br/> 3 they saw and what the plan is to best execute the<br/> 4 search warrant.<br/> 5 After that, they go through and ask<br/> 6 everybody -- they basically, again, go through<br/> 7 what your task is and ask if there's any<br/> 8 questions. Once you ask or don't ask questions,<br/> 9 depending on the search warrant or whatever you're<br/> 10 tasked with, you go and get dressed out.<br/> 11 And "dressed out" meaning you don your<br/> 12 protective wear, like your heavy vest, helmet.<br/> 13 You ensure that your camera is working. You<br/> 14 ensure that your radio is working. You ensure<br/> 15 that all of your tools are functioning in the<br/> 16 sense of, hey, I have a round in the chamber.<br/> 17 My -- my magazine is seated correctly.<br/> 18 I have the low-lethal tools. The<br/> 19 low-lethal tools are operational. Does my light<br/> 20 work on my firearm? Does the light work -- or the<br/> 21 red dot on my low-lethal work?<br/> 22 And then you head to the BearCats.<br/> 23 Because they went over where your position is on<br/> 24 the BearCat and the route. Once you get on the<br/> 25 BearCat, they ensure that everybody is ready to</p> |
| <p style="text-align: right;">47</p> <p>1 So what's the purpose of number two<br/> 2 entry?<br/> 3 A Number two entry is a safeguard to the<br/> 4 number one. Meaning that as number one enters,<br/> 5 I'm looking for any -- anything that's behind his<br/> 6 back or further on into a room, depending on the<br/> 7 structure.<br/> 8 In this case, I was looking back<br/> 9 towards, like, a kitchen/dining room area.<br/> 10 Q Okay. All right. So I've been -- we're<br/> 11 going to get back to the chronology I said we were<br/> 12 going to do before.<br/> 13 So you do the briefing. And then if you<br/> 14 want to just do it in a full dialogue -- if you<br/> 15 want to walk me through, like, "Hey, we did the<br/> 16 briefing, and then this is what happened" or you<br/> 17 want to cut it up, however you're more comfortable<br/> 18 testifying about it.<br/> 19 A Yeah, I'll start with the -- the<br/> 20 briefing.<br/> 21 Show up and look at where my job is.<br/> 22 Look who I'm paired up with. Address, description<br/> 23 of the address, windows, doors. Is it a, you<br/> 24 know, one-bedroom apartment, two-bedroom<br/> 25 apartment?</p> | <p style="text-align: right;">49</p> <p>1 go. If there's people that need to go out and do<br/> 2 observation on the apartment or the house, those<br/> 3 people are usually sent out early.<br/> 4 In this case, I can't remember who it<br/> 5 is, but I believe we sent out a two-man team to<br/> 6 observe the apartment to see if anybody is coming<br/> 7 in or out.<br/> 8 Once we get on the BearCat, they say,<br/> 9 "Hey, we're ready to go." We turned on our<br/> 10 cameras, and we start rolling to the apartment or<br/> 11 house or wherever we're serving the search<br/> 12 warrant -- serving the search warrant.<br/> 13 When we are one minute out from entry,<br/> 14 that's where you're basically, like, honing in on<br/> 15 what your job is and knowing that, hey, it's<br/> 16 coming up. Get ready to disembark off the<br/> 17 BearCat.<br/> 18 We show up into the apartment complex<br/> 19 and head straight to where our drop-off is. We<br/> 20 walk up quietly to the apartment, get into<br/> 21 positions so everybody is in position. Once we<br/> 22 are all in position, then we do our announcements.<br/> 23 Once we do a couple of announcements --<br/> 24 and it's usually determined at the briefing<br/> 25 whether it's, hey, we're going to start to work</p>                                  |

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| <p style="text-align: right;">50</p> <p>1 the door off of the -- you know, the second or<br/> 2 third announcement or, hey, off of this<br/> 3 announcement, we're going to use a flash bang or a<br/> 4 9 bang, depending on every search warrant.<br/> 5 In this case, we had a stun stick that<br/> 6 goes through the window, which had a flash bang<br/> 7 attached to it. We also had a 9 bang that was to<br/> 8 be tossed on the outside, all of which -- those<br/> 9 help provide us with a little bit of time to<br/> 10 safely enter just in case there is people inside<br/> 11 or whether or not we know people inside.<br/> 12 In this case, we didn't know who or if<br/> 13 anybody was inside, but we still used the tactics<br/> 14 to safely go in.<br/> 15 Officer Hoskins started to work the door<br/> 16 with the ram. It took a few hits. During that<br/> 17 entire time, we're announcing, "Hey, we're the<br/> 18 police. We have a search warrant." Officer<br/> 19 Hoskins gets the door open. As Kerry enters, I<br/> 20 immediately hear what sounds to be gunshots.<br/> 21 I don't go in front of him. I looked<br/> 22 behind him, just in case there's anybody that is<br/> 23 behind him or us or if anybody is in the dining<br/> 24 room. As that happens, I feel Kerry starting to<br/> 25 move in a -- in a not normal way, and I'm still</p> | <p style="text-align: right;">52</p> <p>1 They start working on Kerry. At that time, I<br/> 2 started self-assessing, along with Sergeant<br/> 3 Clarkson, who was driving one of the BearCats.<br/> 4 He assessed and notices that I have a<br/> 5 perfect circle of a round on my forearm, and my<br/> 6 forearm is starting to swell up.<br/> 7 Since then, I've had nerve damage, and<br/> 8 my pinky stays (indicating) from the nerve damage<br/> 9 of that round being hit on my forearm. I tore my<br/> 10 labrum pulling Officer Kerry out.<br/> 11 And once that happened, everything got<br/> 12 shut down because it was a shooting. Medical, I<br/> 13 believe -- I wasn't inside, but I believe they<br/> 14 attempted medical on Mr. Williams, and he was<br/> 15 pronounced deceased on the scene.<br/> 16 I was sent to the hospital, got<br/> 17 evaluated along with Kerry.<br/> 18 MS. MURPHY: I'm going to ask you some<br/> 19 follow-up questions on that, but we've been going<br/> 20 a little while. We've been going about an hour.<br/> 21 Why don't we take just a quick<br/> 22 ten-minute break, and we can give the reporter --<br/> 23 THE VIDEOGRAPHER: We are going off<br/> 24 record at 10:57 a.m.<br/> 25 (Whereupon, a recess was taken.)</p> |
| <p style="text-align: right;">51</p> <p>1 hearing gunshots.<br/> 2 I feel something hit my right forearm as<br/> 3 I perceived to be what was a bullet. As I look<br/> 4 over, I see a muzzle flashes. As that's<br/> 5 happening, Officer Kubla is starting to move to<br/> 6 his left. And at that point, I engage the subject<br/> 7 on the couch.<br/> 8 As I am engaging, the subject is still<br/> 9 shooting. As that happens, I see Officer Kubla<br/> 10 fall to the ground. I start to approach slowly to<br/> 11 the couch while still rounds from the subject on<br/> 12 the couch are being fired.<br/> 13 I observe officers to my right starting<br/> 14 to engage, so I back up a couple of steps and<br/> 15 continue to engage, because rounds are still being<br/> 16 fired. When rounds stop, I holster, I look down.<br/> 17 Kerry Kubla is bleeding. At the time, I believed<br/> 18 that I was also shot in the forearm.<br/> 19 And immediately I tend to Officer Kubla,<br/> 20 not worried about my forearm at the time. We get<br/> 21 Officer Kubla outside, and he is shot in both<br/> 22 forearms and one in his leg.<br/> 23 I helped to apply a tourniquet. We have<br/> 24 tac docs that come with us on every search warrant<br/> 25 just in case something like this does happen.</p>  | <p style="text-align: right;">53</p> <p>1 THE VIDEOGRAPHER: We are back on<br/> 2 record at 11:05 a.m.<br/> 3 BY MS. MURPHY:<br/> 4 Q And so, Brice, before we took a brief<br/> 5 break, you walked me through the entire process<br/> 6 of -- of executing this search warrant and the<br/> 7 officer-involved shooting. I want to kind of loop<br/> 8 back and ask you some specific questions about<br/> 9 some of it now. And later we'll probably review<br/> 10 the video from your body-worn camera as well.<br/> 11 A Okay.<br/> 12 Q And so there's been some discussion in<br/> 13 this case about the brass wrap on the door.<br/> 14 Are you familiar with that?<br/> 15 A Yes.<br/> 16 Q Okay. Can you tell me, as we sit here<br/> 17 today, what's your understanding of the issue with<br/> 18 the brass wrap on the door?<br/> 19 A That the brass wrap adds a little bit<br/> 20 more of a rigidity to the door, making it a little<br/> 21 bit more difficult to get in.<br/> 22 Q And is that something that the recon<br/> 23 team should have picked up on, that there was a<br/> 24 brass wrap, prior to executing this warrant?<br/> 25 A I would say yes.</p>  |



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1 Q Okay. But, in fact, they didn't pick up  
 2 on it; correct?  
 3 A No.  
 4 Q Okay. And there was a delay getting  
 5 through the door because of that brass wrap;  
 6 correct?  
 7 A A delay? I wouldn't say necessarily a  
 8 delay. I've had warrants where there was no brass  
 9 wrap, and it took three to four hits to get in  
 10 still.  
 11 Q How many hits did it take here?  
 12 A I believe four.  
 13 Q Okay. And in your experience as an  
 14 LVMPD officer, a tactical training -- or a field  
 15 training officer, a member of the SWAT team, do  
 16 you think that the amount of time it took to get  
 17 through the door here was appropriate?  
 18 A Yes.  
 19 Q Okay. Do you think a tactical should  
 20 have been called at all?  
 21 A No.  
 22 Q What's a tactical?  
 23 A A tactical would be there is something  
 24 that an officer sees that would hinder or disrupt  
 25 the -- hinder or disrupt the execution of the

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1 search warrant to be safe.  
 2 Q Okay. And you don't think that the  
 3 delay of getting the door open here hindered the  
 4 safety?  
 5 A No.  
 6 Q Okay. And would you have been able to  
 7 call a tactical?  
 8 A Anybody can call a tactical.  
 9 Q Okay. And so you talked a little bit  
 10 about going through -- kind of going through the  
 11 door.  
 12 Can you -- can you kind of -- you walked  
 13 me through what you saw and -- like, in terms of  
 14 Officer Kubla going down and everything.  
 15 Can you kind of tell me, like, when you  
 16 first became aware of gunfire. Was it from the  
 17 flash of the muzzle, or was it from hearing it?  
 18 A Hearing it.  
 19 Q Okay. And in your mind, do you think  
 20 that there's a distinction -- did you have -- did  
 21 it take a second to identify what it was, or did  
 22 you know immediately?  
 23 A Once I entered the door, yeah, I knew  
 24 that Officer Kubla was taking fire.  
 25 Q And so did you know that from the muzzle

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1 flash? From the sound? From seeing him go down?  
 2 Like, how were you able to immediately assess  
 3 that?  
 4 A His body language as we went in and the  
 5 sound.  
 6 Q And what was his body language as you  
 7 went in?  
 8 A He put himself into a posture and just  
 9 his movements. Officer Kubla and I have worked  
 10 together for the entire time that I was in SWAT --  
 11 Q And so --  
 12 A -- and he came up the same day as me.  
 13 Q And what was it about his movements and  
 14 your familiarity with Officer Kubla that made you  
 15 know that his body language indicated he was being  
 16 shot -- that he had been shot?  
 17 A Based off of his platform, his movements  
 18 were definitely different than if it was just a --  
 19 go in and there was nobody inside the room.  
 20 Q Okay. And so I know sometimes it's hard  
 21 to paint a picture with words, but you're on video  
 22 too, so you can -- if you want to use your body to  
 23 kind of demonstrate to me, that's fine as well.  
 24 What was it about his movements exactly  
 25 that was, like, nonstandard that made you think,

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1 like, "Hey, I think he's been shot"?  
 2 A He pushed a little bit back on me.  
 3 Q And he'd never done that before?  
 4 A No.  
 5 Q And just for the record, you had never  
 6 been in an officer-involved shooting with Officer  
 7 Kubla before; correct?  
 8 A No.  
 9 Q Okay. All right. And so him just  
 10 pushing back on you made you know, "Hey, I  
 11 think" -- made you know -- or made you suspect  
 12 that he had been shot?  
 13 A I believed that he was -- what we call  
 14 "going to work," which means that something has  
 15 caused him to react differently than he normally  
 16 would. I was also hearing gunfire.  
 17 Q And so normally he would keep going. Is  
 18 it -- you tell me if I'm right or wrong.  
 19 Based on what you're telling me, what  
 20 kind of -- I'm putting --  
 21 A It's a smooth movement through a room.  
 22 Q Yeah.  
 23 And the fact that he was recoiling, for  
 24 lack of a better term, made you know, like, "Hey,  
 25 he's been" --

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| <p>58</p> <p>1 A Something was up.</p> <p>2 Q Okay. And how many -- to your memory,</p> <p>3 how many announcements were made before you</p> <p>4 entered the unit?</p> <p>5 A Numerous, because every officer in the</p> <p>6 stack was announcing.</p> <p>7 Q Okay. And as we sit here today, your</p> <p>8 prior testimony is that you believe that there was</p> <p>9 17 seconds that elapsed from the -- from the first</p> <p>10 announcement to entry of the unit; is that</p> <p>11 correct?</p> <p>12 A Yes.</p> <p>13 Q Okay. If I were to represent to you</p> <p>14 that it was actually six seconds, would that -- or</p> <p>15 that it could be around six seconds, would that be</p> <p>16 a surprise to you?</p> <p>17 A Yes.</p> <p>18 Q Okay. Had you -- and I know you'd been</p> <p>19 on SWAT for three years.</p> <p>20 Had you done this type of search warrant</p> <p>21 execution -- if I'm saying "execution," is that</p> <p>22 the right way to describe it?</p> <p>23 A Uh-huh.</p> <p>24 Q Okay. Had you done this type of search</p> <p>25 warrant execution before?</p>                      | <p>60</p> <p>1 A I would have to go back and look and see</p> <p>2 what those warrants were, but I would probably say</p> <p>3 yes.</p> <p>4 Q Okay. And so -- okay.</p> <p>5 How many times did you fire your weapon?</p> <p>6 A Thirteen times.</p> <p>7 Q And how do you know that?</p> <p>8 A Because of my CIRT interview.</p> <p>9 Q What was it about -- did they inform you</p> <p>10 in the CIRT interview?</p> <p>11 A Nope. We download our weapons after a</p> <p>12 shooting to count the amount of rounds. The</p> <p>13 reason we do that is just in case -- an example,</p> <p>14 you fire down the road and there's cars and people</p> <p>15 and houses. If there is an officer that says,</p> <p>16 "Hey, I only shot this amount of times," but he</p> <p>17 shot more, then we've got to look for those extra</p> <p>18 rounds.</p> <p>19 Q Okay. And you talked a little bit</p> <p>20 earlier about your -- the -- the injury that you</p> <p>21 sustained in this officer-involved shooting.</p> <p>22 Can you tell me, was the -- the</p> <p>23 bullet -- do you know what bullet hit you? Let me</p> <p>24 ask it --</p> <p>25 A Out of the 18 rounds that were fired?</p> |
| <p>59</p> <p>1 A A few hundred times.</p> <p>2 Q Okay. Had you ever had an outcome like</p> <p>3 this before?</p> <p>4 A Not one.</p> <p>5 Q Okay. Why do you think the outcome here</p> <p>6 was different than the other instances?</p> <p>7 A Because of the person on the couch.</p> <p>8 Q Okay. That's the -- that's the total</p> <p>9 difference, is that it was Mr. Williams on the</p> <p>10 couch?</p> <p>11 A I believe that somebody who is sleeping</p> <p>12 with a firearm next to them, with an extended mag</p> <p>13 in an apartment that's associated with homicide</p> <p>14 suspects, yeah, I don't think that that's a normal</p> <p>15 person.</p> <p>16 Q But hadn't you executed -- well, to be</p> <p>17 clear, Mr. Williams was not a homicide suspect;</p> <p>18 correct?</p> <p>19 A No, he was not on the homicide warrant.</p> <p>20 Q He's not a -- he's not a suspect in any</p> <p>21 type of homicide; correct?</p> <p>22 A Unknown.</p> <p>23 Q Okay. And so hadn't you executed this</p> <p>24 type of warrant on an actual homicide -- actual</p> <p>25 homicide suspects before?</p> | <p>61</p> <p>1 Q As soon as I said the question, I</p> <p>2 realized that it wasn't a good question. Let me</p> <p>3 ask it slightly differently.</p> <p>4 Do you know if it was a -- was it a</p> <p>5 direct hit?</p> <p>6 A No.</p> <p>7 Q Okay. What was it, to the best of your</p> <p>8 knowledge? I mean, I know that you --</p> <p>9 A It was a ricochet from Officer Kubla's</p> <p>10 suppressor.</p> <p>11 Q Okay. And I'm going to jump around just</p> <p>12 a little bit.</p> <p>13 As we -- did you have to do a workers'</p> <p>14 comp claim because of the nerve damage?</p> <p>15 A I did a workers' comp claim for my</p> <p>16 shoulder, my finger, and -- well, my forearm and</p> <p>17 PTSD.</p> <p>18 Q Okay. And as we sit here today, are you</p> <p>19 still receiving treatment for any of those three</p> <p>20 items that you just mentioned: The labrum, the</p> <p>21 nerve damage, or the PTSD?</p> <p>22 A Yes, I still see a therapist for my</p> <p>23 PTSD.</p> <p>24 Q Okay. And I want to be delicate in how</p> <p>25 I ask these questions. I want to be respectful of</p>   |



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| <p style="text-align: right;">62</p> <p>1 what you've gone through, and I don't want you to</p> <p>2 feel like I'm not understanding or trying to be</p> <p>3 sensitive to it.</p> <p>4 Can you -- to the best of your ability</p> <p>5 and however you're comfortable, can you kind of</p> <p>6 explain to me what it is about this incident that</p> <p>7 has you still struggling with PTSD a few years</p> <p>8 later?</p> <p>9 A It's traumatic. You're dealing with</p> <p>10 people's lives. I saw a partner that came up with</p> <p>11 me the same day, who I worked with every day</p> <p>12 because we were on the same squad, and I saw him</p> <p>13 bleeding out. And I saw him pass out, and I</p> <p>14 thought he died.</p> <p>15 And I took a human life. And that's</p> <p>16 tough. And you have the residual damage of</p> <p>17 something that I can see every day, which is a</p> <p>18 memory that something traumatic happened.</p> <p>19 Q And where -- you're on camera, but I</p> <p>20 just want to make sure. You say you have the</p> <p>21 residual damage that you can see every day.</p> <p>22 Are you referring to the ongoing nerve</p> <p>23 damage that you have in your hand?</p> <p>24 A My pinky, yeah.</p> <p>25 Q Okay. Has that --</p> | <p style="text-align: right;">64</p> <p>1 A Yes.</p> <p>2 Q And you continue to be affected by it</p> <p>3 to -- to this day; correct?</p> <p>4 A Those officers didn't see Officer Kubla.</p> <p>5 They were still inside. So I can't attest to</p> <p>6 whether or not -- what their affectedness is, but</p> <p>7 I can tell you that I was affected.</p> <p>8 Q Okay. And we talked about it a little</p> <p>9 bit earlier. In terms of -- when you went through</p> <p>10 the door, did you assess the information, or did</p> <p>11 you think the person in the unit must be one of</p> <p>12 the murder suspects we're looking for? Did you</p> <p>13 even go through that, or were you just reacting to</p> <p>14 your --</p> <p>15 A I was reacting to somebody firing their</p> <p>16 weapon or firing a weapon at not only me,</p> <p>17 Officer Kubla, and the other members of the entry</p> <p>18 team, to include out the window.</p> <p>19 Q Do you have guilt over Mr. Williams'</p> <p>20 death?</p> <p>21 A Guilt?</p> <p>22 Q Yeah.</p> <p>23 A No. I did what I had to do to protect</p> <p>24 not only my life, but the lives of my team</p> <p>25 members.</p>   |
| <p style="text-align: right;">63</p> <p>1 A And -- and constant pain in my shoulder.</p> <p>2 Even though it's fixed, you still always will have</p> <p>3 pain.</p> <p>4 Q And so you have -- so you have -- so</p> <p>5 okay. So you have chronic pain in your shoulder;</p> <p>6 is that correct?</p> <p>7 A Uh-huh.</p> <p>8 Q On a scale of one to ten, where would</p> <p>9 you put that pain scale?</p> <p>10 A Depending on the day, depending on the</p> <p>11 workout, anywhere from a one to a three.</p> <p>12 Sometimes maybe a little bit higher than that.</p> <p>13 Q Okay. And so is it fair -- based on</p> <p>14 what you've just testified to, I'm assuming that</p> <p>15 that also is a constant reminder of this incident;</p> <p>16 is that correct?</p> <p>17 A Absolutely.</p> <p>18 Q Okay. And so as we sit here today, you</p> <p>19 know, some of the other officers have testified</p> <p>20 that they were unaffected long-term by this</p> <p>21 incident.</p> <p>22 My understanding of your testimony --</p> <p>23 and you tell me if I'm right or wrong -- is that</p> <p>24 you were deeply affected by this incident; is that</p> <p>25 correct?</p>  | <p style="text-align: right;">65</p> <p>1 Q But you're still affected by having</p> <p>2 taken a human life; is that correct?</p> <p>3 A I don't think that you go through life</p> <p>4 and that is not something that is affected. I --</p> <p>5 I am affected by taking somebody's life, yeah.</p> <p>6 It's not what I signed up to do this job. But I</p> <p>7 know that that's part of the job, and I did what I</p> <p>8 needed to do.</p> <p>9 Q Okay. And we've kind of jumped around a</p> <p>10 little bit, but I want to confirm, as we sit here</p> <p>11 today, despite this outcome, is there anything</p> <p>12 that you would have done differently?</p> <p>13 A No.</p> <p>14 Q Okay. And so I'm going to give you the</p> <p>15 legal element for knock and announce. And this is</p> <p>16 from page 133 of the CIRT report. Open quote, "If</p> <p>17 after notice of his authority and purpose of an</p> <p>18 officer is refused admittance," close quote.</p> <p>19 Prior to entering into the unit, what</p> <p>20 did Mr. Williams do to refuse admittance while the</p> <p>21 door was closed?</p> <p>22 A Reask the question.</p> <p>23 Q Sure.</p> <p>24 Was there any indication, prior to going</p> <p>25 through the door, that Mr. Williams was going to</p> |

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1 refuse entry?

2 A At the time, no.

3 Q Okay. Do you think that Mr. Williams

4 had sufficient time to indicate whether he would

5 or would not allow entry?

6 A Yes.

7 Q Why do you -- do you think that -- and

8 why do you think that?

9 A Because the police are announcing

10 outside, they give the apartment number, and that

11 it's a search warrant.

12 Q Okay. So what could Mr. Williams have

13 done from inside the unit within those few seconds

14 to indicate that he would or wouldn't -- what

15 could he have done to either allow or deny entry?

16 A I mean, sufficient time to possibly come

17 to the door or be compliant.

18 Q So you think that Mr. Williams had

19 enough time to wake up, get up, and walk to the

20 door to allow the police entry?

21 A Based off the 17 and a half seconds,

22 yes, or comply.

23 Q What about six seconds?

24 A I think that's enough time to understand

25 that the police are outside your door.

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1 Q Okay. As we sit here today -- this is

2 my only opportunity to talk with you, absent

3 trial.

4 As we sit here today, is it your

5 intention to -- if we go to trial, is it your

6 intention to appear at trial and testify that it

7 is your opinion that Mr. Williams knew it was

8 police officers coming through the door?

9 A Yes.

10 Q What's that based on?

11 A Based off the numerous announcements,

12 based off early morning and normal people don't --

13 meaning the public don't inset a stun stick with a

14 flash bang on it.

15 Q What's the purpose of a stun stick?

16 A Provide time for the officers, but also

17 to stun anybody on the inside to make it not only

18 safe for them, but safe for us in a sense of if

19 somebody wants to grab a firearm or attempt to

20 grab a firearm, they're stunned and/or blinded

21 temporarily.

22 Q They would also be confused; correct?

23 A I mean, you would have to ask somebody

24 who has experienced that.

25 Q I'm asking you as a police officer

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1 that's executed hundreds of these warrants and has

2 done CET, has done surround and call-outs, has

3 used these distraction devices, is it your

4 experience as a police officer that sometimes

5 people are confused by use of these distraction

6 devices?

7 A I mean, you want them to be distracted.

8 So I guess, yes, confusion could be a word used.

9 Q Okay. Do you think confusion would make

10 it difficult for somebody to assess clearly that

11 it's being announced that police officers are

12 seeking entry into a unit?

13 A In this case, no, because we announced

14 numerous times outside, including using a

15 bullhorn. And it's 5:00 in the morning and it's

16 very quiet. There's not, you know, kids yelling,

17 traffic going by. It's very quiet, and it was

18 very quiet up until we announced.

19 Q What if the person is sleeping?

20 A The people upstairs were also sleeping,

21 and they were woken up.

22 Q They didn't have their windows broken

23 open though, did they?

24 A We didn't break the windows until after

25 we made announcements.

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1 Q How many announcements do you think you

2 made before the window was broken open?

3 A I couldn't tell you.

4 Q What if I represented to you it was half

5 of one?

6 A I don't think that that -- again, I

7 couldn't tell you what the amount of time was.

8 Q Okay. And just to loop back to your

9 earlier testimony, you've never received training

10 that you had to wait a certain amount of time

11 before -- before entering on a knock and announce;

12 correct?

13 A We -- we were trained to give a couple

14 of announcements. That depended on the ATL, or

15 assistant team leader, and the TL, based off of

16 the search warrant, based off of, you know,

17 whatever deemed necessary through the recon.

18 Q Okay. And we talked about it a little

19 bit earlier. We talked about it a little bit

20 earlier in terms of -- you said, you know, wished

21 for and you talked about, hey, there's different

22 circumstances that go into these entries and what

23 you're supposed to do.

24 Do you have any understanding that

25 there's a standard for a reasonable time based on



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| <p style="text-align: right;">70</p> <p>1 the items that are sought?</p> <p>2 A I know that there's a reasonable time.</p> <p>3 I didn't -- I couldn't tell you if the Supreme</p> <p>4 Court has defined what that time is.</p> <p>5 Q Okay.</p> <p>6 A Just "reasonable."</p> <p>7 Q All right. What if I told you that</p> <p>8 there's a case that indicated that a reasonable</p> <p>9 response time would also be linked to what type of</p> <p>10 evidence they're seeking?</p> <p>11 A Okay.</p> <p>12 Q Okay. And so I'm going to read to you a</p> <p>13 snippet from case -- a case that was cited in the</p> <p>14 CIRT report. It said, "After 15 to 20 seconds</p> <p>15 without a response, officers could fairly have</p> <p>16 suspected that Banks would flush away the cocaine</p> <p>17 if they remained reticent." And that's from</p> <p>18 page 133 of the CIRT report.</p> <p>19 As we sit here today, you didn't think</p> <p>20 that you guys were seeking anything that could</p> <p>21 have been easily destroyed; correct?</p> <p>22 A That referenced drugs. I don't believe</p> <p>23 we were looking -- I couldn't tell you what -- if</p> <p>24 that was --</p> <p>25 Q Let me ask the question, though -- let</p> | <p style="text-align: right;">72</p> <p>1 THE WITNESS: Well, there was another</p> <p>2 person inside who didn't come out firing at us.</p> <p>3 BY MS. MURPHY:</p> <p>4 Q That wasn't my question though.</p> <p>5 My question was, in this instance, the</p> <p>6 CET wasn't safe for the officers or for the</p> <p>7 person -- or for Mr. Williams; correct?</p> <p>8 MR. ANDERSON: Same objection.</p> <p>9 THE WITNESS: This would be the first</p> <p>10 time in my time in SWAT -- and I believe even</p> <p>11 years prior -- that we executed a CET warrant and</p> <p>12 somebody fired at us.</p> <p>13 BY MS. MURPHY:</p> <p>14 Q Okay. So that doesn't quite answer the</p> <p>15 question I asked.</p> <p>16 My question was, in this --</p> <p>17 A It's the safest tactic at the time.</p> <p>18 Q Okay. It wasn't safe in this instance,</p> <p>19 was it?</p> <p>20 A Well, I mean, that -- I would say that</p> <p>21 that's kind of Monday-morning quarterbacking. At</p> <p>22 the time, that was the safest, and I would use the</p> <p>23 same tactic again today.</p> <p>24 Q But you can't use the same tactic again</p> <p>25 today, can you? Haven't they -- hasn't LVMPD</p> |
| <p style="text-align: right;">71</p> <p>1 me ask the question a little more artfully.</p> <p>2 If I have a bag of cocaine, I can flush</p> <p>3 it down the toilet. I probably can't flush a gun</p> <p>4 down the toilet; correct?</p> <p>5 A No, you can't flush a gun down the</p> <p>6 toilet.</p> <p>7 Q Right. And so it was your</p> <p>8 understanding -- I understand that you didn't look</p> <p>9 at the search warrant, but that you had a basic</p> <p>10 concept of what you guys were looking for;</p> <p>11 correct?</p> <p>12 A Uh-huh.</p> <p>13 Q And so you guys -- as -- sorry. I</p> <p>14 shouldn't say "you guys."</p> <p>15 You, Brice, didn't have a concern about,</p> <p>16 hey, we need to get in there in a certain amount</p> <p>17 of time, because there's potentially evidence on</p> <p>18 the other side of this door that they could</p> <p>19 destroy?</p> <p>20 A No. We used the CET tactic to be safe,</p> <p>21 not only for officers, but for people inside.</p> <p>22 Q In this instance, the CET wasn't safe</p> <p>23 for the person inside or the officers; correct?</p> <p>24 MR. ANDERSON: Objection. Form.</p> <p>25 Go ahead.</p>  | <p style="text-align: right;">73</p> <p>1 changed their policy so you could not use a CET on</p> <p>2 this kind of search warrant anymore?</p> <p>3 A Again, that's not a decision that I</p> <p>4 made.</p> <p>5 Q Okay.</p> <p>6 A And I can't say what happens after that.</p> <p>7 At the time, that was the best tactic at the time.</p> <p>8 Q Okay. And I understand the distinction</p> <p>9 between best and safest, but I'm going to ask you</p> <p>10 to answer my question.</p> <p>11 A Yes. Go ahead.</p> <p>12 Q Was this safe for Officer Kubla?</p> <p>13 A It's the safest tactic used and utilized</p> <p>14 at the time.</p> <p>15 Q Okay. You're not answering my question.</p> <p>16 I'm going to ask it again.</p> <p>17 Was this safe for Officer Kubla, yes or</p> <p>18 no?</p> <p>19 A I mean, he got shot, yes. So safe?</p> <p>20 That's kind of a weird question, I -- I would say.</p> <p>21 In my opinion, I believe Officer Kubla, even being</p> <p>22 shot, would have said that's the safest tactic to</p> <p>23 utilize.</p> <p>24 Q Okay. Do you think that being shot is</p> <p>25 safe?</p>  |

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1 MR. ANDERSON: Objection. Form.  
 2 THE WITNESS: We get shot at every  
 3 day. So, you know, that's -- as a police officer,  
 4 and especially being a SWAT officer, yeah, there's  
 5 the notion that you might get shot at. And I have  
 6 been.  
 7 BY MS. MURPHY:  
 8 Q Okay. I'm asking you one -- I'm going  
 9 to ask you again.  
 10 Was Officer Kubla being shot at safe for  
 11 Officer Kubla?  
 12 A Well, no. I don't think being shot at  
 13 is safe at all.  
 14 Q Okay. And so was Mr. Williams being  
 15 killed inside that apartment, was that safe for  
 16 him?  
 17 MR. ANDERSON: Objection. Form.  
 18 THE WITNESS: He shot first.  
 19 BY MS. MURPHY:  
 20 Q That wasn't my question.  
 21 A Okay. What do you -- what is your  
 22 question again?  
 23 Q Was Mr. Williams being killed inside  
 24 that apartment safe for him?  
 25 A I mean, he got shot and he died, so, you

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1 know, his own personal safety, I guess no, it  
 2 wasn't safe.  
 3 Q Okay. I'm going to read you some other  
 4 conclusions from the CIRT report, and I'm going to  
 5 ask your opinion about them.  
 6 So -- and this is from page 215, 3.6.  
 7 CIRT concluded, "While the SWAT section manual  
 8 contained verbiage allowing for SWAT operators to  
 9 conduct a CET for property when there is a threat  
 10 of an armed and dangerous subject, it was not  
 11 appropriate, given the amount of unknowns  
 12 associated with Apartment 1125.  
 13 "There were numerous amount of unknown  
 14 factors, to include who was actually staying in  
 15 the apartment and if there were children, elderly,  
 16 or vulnerable individuals present inside the  
 17 apartment. SWAT's decision to serve the 3050  
 18 South Nellis Boulevard search warrant as a CET was  
 19 a policy/training failure and not within the  
 20 standardized LVMPD tactics training and policy."  
 21 A Okay.  
 22 Q Okay. It's a -- it's a loaded  
 23 statement, and there's a lot in there, and so I  
 24 want to ask you, Brice, your opinion on CIRT's  
 25 conclusion.

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1 A That's an after-the-fact -- after the  
 2 fact. I believe that the people making those  
 3 decisions are the lieutenant and captain, and also  
 4 in conjunction with homicide.  
 5 Q I'm sorry. In conjunction with what?  
 6 A Like, homicide detectives.  
 7 Q Okay.  
 8 A Because they're the ones that got the  
 9 search warrant.  
 10 Q And so I think I understand what you  
 11 mean by that, but I'm going to ask you to draw it  
 12 out a little bit more.  
 13 You don't agree with that conclusion, do  
 14 you?  
 15 A Which part?  
 16 Q The part that -- well, yeah, let's break  
 17 it up. So we'll start at the bottom.  
 18 That serving -- that serving the search  
 19 warrant as a CET was a policy/training failure, do  
 20 you agree or disagree with that statement?  
 21 A I disagree. I believe that the CET at  
 22 the time was the best tactic to use.  
 23 Q Okay. And what about CIRT's conclusion  
 24 that the -- it was not within standardized LVMPD  
 25 tactics training and policy?

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1 A I would have to see what training  
 2 tactics and policy they're referring to.  
 3 Q Don't you already know as a SWAT  
 4 officer?  
 5 A Our training policy and tactics --  
 6 Q Regarding --  
 7 A -- with the department --  
 8 Q Yes.  
 9 A -- is like 1500 pages, and it's even  
 10 more -- no, I don't know it by heart.  
 11 Q What about for a CET?  
 12 A In reference to the CET, what are you  
 13 asking?  
 14 Q That they're saying that serving this as  
 15 a -- serving this search warrant as a CET was not  
 16 within LVMPD tactics training and policy.  
 17 A I disagree.  
 18 Q Okay. And then let's also talk about  
 19 the amount of unknowns, that there was -- that  
 20 the -- and this is the CIRT conclusion, that there  
 21 were the unknown factors to include who was  
 22 actually in the apartment, if there were children,  
 23 elderly, vulnerable individuals.  
 24 As a SWAT officer, did you think that  
 25 there was a failure to have not assessed any of



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| <p style="text-align: right;">78</p> <p>1 those?</p> <p>2 A I wasn't on the recon.</p> <p>3 Q Okay. And so I know that you weren't on</p> <p>4 the recon, so I'm not asking you to talk about</p> <p>5 your -- I understand you're not on the recon.</p> <p>6 But having been the officer that was</p> <p>7 number two in the stack, seeing officer go --</p> <p>8 Officer Kubla go down, do you think the recon team</p> <p>9 ought to have ruled those out or known those</p> <p>10 before you guys went in there?</p> <p>11 A I mean, even if they did rule those out,</p> <p>12 I don't think the outcome would have changed.</p> <p>13 Q So even if they had known who was in the</p> <p>14 apartment, you don't think the outcome would have</p> <p>15 changed?</p> <p>16 A Based off of our tactics at the time, we</p> <p>17 still would have conducted a CET.</p> <p>18 Q Okay. I'm going to read you another --</p> <p>19 another conclusion. This is Conclusion 3.8, page</p> <p>20 216. "Under the conditions present here, six</p> <p>21 seconds was insufficient to allow occupants time</p> <p>22 to answer the door, let alone submit to a search."</p> <p>23 Do you think that six seconds was enough</p> <p>24 time to answer the door or submit to a search?</p> <p>25 A Yes, I believe that's a reasonable time.</p> | <p style="text-align: right;">80</p> <p>1 A Yes.</p> <p>2 Q Okay. And so then I'm going to read you</p> <p>3 the Conclusion 5.5. "CIRT and SMEs concluded</p> <p>4 Lieutenant O'Daniel did not use proper discretion</p> <p>5 when she approved the use of a stun stick through</p> <p>6 the west-facing window."</p> <p>7 Do you think that use of the stun stick</p> <p>8 through the west-facing window was appropriate?</p> <p>9 A Yes.</p> <p>10 Q Why?</p> <p>11 A Because it allows a little extra time</p> <p>12 for officers to be safe, make a safe entry. And,</p> <p>13 again, the -- the stun stick is used to disorient</p> <p>14 anybody who is on the inside. Which is safe for</p> <p>15 them, because it usually means that they don't</p> <p>16 grab a weapon.</p> <p>17 Q Okay. Lieutenant -- and I'll -- this</p> <p>18 was another part of it. "Lieutenant O'Daniel's</p> <p>19 management of tactics for the requested approval</p> <p>20 of tactics and tools, as the tactical commander,</p> <p>21 was not within standardized LVMPD tactics training</p> <p>22 and policy."</p> <p>23 Do you have a position on whether or not</p> <p>24 Lieutenant O'Daniel's approval was within the</p> <p>25 standardized LVMPD tactics training and policy?</p>   |
| <p style="text-align: right;">79</p> <p>1 Q Okay. I'm going to ask you about</p> <p>2 Conclusion 3.9. "Officers immediately lost the</p> <p>3 elements of a CET, of utilizing speed to surprise</p> <p>4 and overwhelm the suspect, per their manual, by</p> <p>5 being stuck at the door and hitting it multiple</p> <p>6 times prior to entering the residence."</p> <p>7 Do you agree or disagree with that</p> <p>8 statement?</p> <p>9 A I disagree. And I'll say that I've been</p> <p>10 on numerous CETs where it took more than one hit</p> <p>11 to get through the door, and we still executed it</p> <p>12 as a CET.</p> <p>13 Q Okay. And then from page 220, "CET only</p> <p>14 to be utilized when a no-knock search warrant is</p> <p>15 approved by the LVMPD and has judicial</p> <p>16 preapproval."</p> <p>17 Now, you and I talked about it. As we</p> <p>18 sit here today -- as we as you sit here today,</p> <p>19 you're not aware of any policy change; correct?</p> <p>20 A Reference to?</p> <p>21 Q Allowing a CET to be used on a -- on a</p> <p>22 knock-and-announce warrant.</p> <p>23 A I believe that the department went away</p> <p>24 from CETs and utilized a different tactic.</p> <p>25 Q As a result of this incident; correct?</p>   | <p style="text-align: right;">81</p> <p>1 A I do not have an opinion on that.</p> <p>2 Q All right. 5.6, "Captain Cole and</p> <p>3 Lieutenant O'Daniel should have recognized the</p> <p>4 unknown factors involved in this case and assured</p> <p>5 their team utilized the proper tactics when</p> <p>6 serving the search warrant.</p> <p>7 "Captain Cole and Lieutenant O'Daniel's</p> <p>8 approval of homicide IAP and search warrant for</p> <p>9 the use of the SWAT service was not within</p> <p>10 standardized LVMPD tactics training and policy."</p> <p>11 Do you have any opinion on that?</p> <p>12 A No opinion.</p> <p>13 Q Conclusion 9.7, page 220, "CIRT</p> <p>14 recommends SWAT structure new training to be in</p> <p>15 line with case law and national standards."</p> <p>16 Did you ever undergo any updated</p> <p>17 training to -- from your understanding, that was</p> <p>18 to be in line with case law or national standards?</p> <p>19 A They were going through a process as I</p> <p>20 was off for five months from the shooting, while I</p> <p>21 was testing for sergeant, which was a, like,</p> <p>22 two-month process. And then I had shoulder</p> <p>23 surgery.</p> <p>24 But, yes, they were starting to revamp</p> <p>25 things while I was there. And then I left, so I</p> |

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| <p style="text-align: right;">82</p> <p>1 couldn't tell you exactly what they do now.</p> <p>2 Q You had a lot going on. Is that fair to</p> <p>3 say?</p> <p>4 A Yes.</p> <p>5 Q Yeah. Okay.</p> <p>6 Do you think that they should have used</p> <p>7 an explosive device on the door?</p> <p>8 A No opinion on that.</p> <p>9 Q No opinion on that?</p> <p>10 A No.</p> <p>11 Q Because in your CIRT statement, you</p> <p>12 actually said "no."</p> <p>13 So now your position is no opinion?</p> <p>14 A Using an explosive breach I do not</p> <p>15 believe would have changed the outcome.</p> <p>16 Q Okay.</p> <p>17 A I don't make those decisions on the</p> <p>18 explosive breach. That is the ATL, the TL, and</p> <p>19 the officers on the recon.</p> <p>20 Q And so my understanding, Brice -- and</p> <p>21 you tell me if I'm right or wrong. Kind of what</p> <p>22 I've learned through deposing some other officers</p> <p>23 is although those types of tactics and, you know,</p> <p>24 what they should or shouldn't use are developed by</p> <p>25 the ATL and the team leader, that part of the</p>  | <p style="text-align: right;">84</p> <p>1 BY MS. MURPHY:</p> <p>2 Q And so just so the record reflects, we</p> <p>3 watched a portion -- a couple of different</p> <p>4 portions of the video. There were some issues</p> <p>5 downloading it, but we did watch the portion of</p> <p>6 the video where, Brice, you come up to the door,</p> <p>7 the announcements are made, and then there's entry</p> <p>8 into the unit; correct?</p> <p>9 A Correct.</p> <p>10 Q Okay. And you had watched that video,</p> <p>11 as well, in preparation for today's deposition;</p> <p>12 correct?</p> <p>13 A Yes.</p> <p>14 Q Okay. So there wasn't anything that</p> <p>15 jogged your memory or you didn't remember, because</p> <p>16 you recently watched that entire video?</p> <p>17 A Yes.</p> <p>18 Q Okay. And so your video, your body-worn</p> <p>19 camera, you are -- you were, like, number two</p> <p>20 behind Officer Kubla entering into the unit;</p> <p>21 correct?</p> <p>22 A Correct.</p> <p>23 Q So you're -- if I understand the actual,</p> <p>24 like, physical layout of the building, it's kind</p> <p>25 of like a little entryway; correct?</p>                               |
| <p style="text-align: right;">83</p> <p>1 briefing is if anyone has an issue or thinks</p> <p>2 anything should be done differently, they're</p> <p>3 supposed to voice their concerns; correct?</p> <p>4 A Yes.</p> <p>5 Q And when you went through the briefing</p> <p>6 and you had all of the information, I'm assuming</p> <p>7 that you didn't voice any concerns; correct?</p> <p>8 A I was confident with the plan.</p> <p>9 Q Okay. And I know that you went over it</p> <p>10 in your CIRT statement, but I just want to</p> <p>11 confirm. As we sit here today -- you've testified</p> <p>12 to it over and over again, but I just want a plain</p> <p>13 statement about it.</p> <p>14 As we sit here today, knowing everything</p> <p>15 that we know, everything that's happened to you,</p> <p>16 you still wouldn't do anything differently;</p> <p>17 correct?</p> <p>18 A No.</p> <p>19 MS. MURPHY: Okay. If we -- can we go</p> <p>20 off the record?</p> <p>21 THE VIDEOGRAPHER: One moment.</p> <p>22 We are going off record at 11:41 a.m.</p> <p>23 (Whereupon, a recess was taken.)</p> <p>24 THE VIDEOGRAPHER: We are back on</p> <p>25 record at 11:55 a.m.</p> | <p style="text-align: right;">85</p> <p>1 A Correct.</p> <p>2 Q Okay. And then, like, for instance, the</p> <p>3 other officer -- and now I can't remember his</p> <p>4 name -- oh, Officer -- Sergeant Backman, he made</p> <p>5 the announcements. He was kind of around the</p> <p>6 corner a little bit; correct?</p> <p>7 A He was number six in the stack, if I</p> <p>8 remember correctly.</p> <p>9 Q So he wasn't in that little, tiny front</p> <p>10 alcove with you; right? If you don't remember,</p> <p>11 that's fine.</p> <p>12 A I don't -- I couldn't tell you how far</p> <p>13 back he was, based off of spacing. I just know</p> <p>14 that he was number six in the stack.</p> <p>15 Q Fair enough.</p> <p>16 And then the other -- there was also an</p> <p>17 officer kind of around on the side where the</p> <p>18 window was; correct?</p> <p>19 A Yes.</p> <p>20 Q But that was on the other side of the</p> <p>21 unit from you; correct?</p> <p>22 A There was an officer that had a shield</p> <p>23 on the window next to the front door, and then</p> <p>24 there was a team of officers on the other side.</p> <p>25 Q Okay. And they were at the side -- kind</p> |



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1 of the side wall where there was another window  
 2 leading into the unit; correct?  
 3 A Correct.  
 4 Q Okay. All right. Do you think that  
 5 Mr. Williams' constitutional rights were violated  
 6 here?  
 7 MR. ANDERSON: Objection. Form.  
 8 Go ahead.  
 9 THE WITNESS: No.  
 10 MS. MURPHY: I don't think I have  
 11 anything else to ask.  
 12 Craig, do you have any follow-up  
 13 questions?  
 14 MR. ANDERSON: No questions.  
 15 MS. MURPHY: All right. Thank you  
 16 very much, Brice.  
 17 THE WITNESS: Appreciate it.  
 18 THE VIDEOGRAPHER: This concludes the  
 19 video-recorded deposition of Brice Clements taken  
 20 on October 7, 2024. We're going off record, and  
 21 the time is 11:57 a.m.  
 22 THE COURT REPORTER: Counsel, do you  
 23 need a copy of the transcript?  
 24 MR. ANDERSON: Yes.  
 25 (The deposition concluded at 11:57 a.m.)

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1 CERTIFICATE OF COURT REPORTER  
 2  
 3 STATE OF NEVADA )  
 4 ) ss:  
 5 COUNTY OF CLARK )  
 6  
 7 I, Heidi K. Konsten, Certified Court Reporter  
 8 licensed by the State of Nevada, do hereby certify  
 9 that I reported the deposition of BRICE CLEMENTS,  
 10 commencing on October 7, 2024, at 10:04 a.m.  
 11 Prior to being deposed, the witness was duly  
 12 sworn by me to testify to the truth. I thereafter  
 13 transcribed my said stenographic notes via  
 14 computer-aided transcription into written form,  
 15 and that the transcript is a complete, true and  
 16 accurate transcription and that a request was not  
 17 made for a review of the transcript.  
 18 I further certify that I am not a relative,  
 19 employee or independent contractor of counsel or  
 20 any party involved in the proceeding, nor a person  
 21 financially interested in the proceeding, nor do I  
 22 have any other relationship that may reasonably  
 23 cause my impartiality to be questioned.  
 24 IN WITNESS WHEREOF, I have set my hand in my  
 25 office in the County of Clark, State of Nevada,  
 this October 21, 2024.  
 \_\_\_\_\_  
 Heidi K. Konsten, RPR, CCR No. 845

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1 DECLARATION OF DEPONENT  
 2 I, BRICE CLEMENTS, deponent herein, do  
 3 hereby declare under penalty of perjury that I have  
 4 read the within and foregoing transcription of my  
 5 testimony taken on October 7, 2024, at Las Vegas,  
 6 Nevada, and that the same is a true record of the  
 7 testimony given by me at the time and place  
 8 hereinabove set forth, with the following  
 9 exceptions:  
 10  
 11 ERRATA SHEET  
 12 PAGE LINE SHOULD READ: REASON FOR CHANGE:  
 13 \_\_\_\_\_  
 14 \_\_\_\_\_  
 15 \_\_\_\_\_  
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1 ERRATA SHEET  
 2 PAGE LINE SHOULD READ: REASON FOR CHANGE:  
 3 \_\_\_\_\_  
 4 \_\_\_\_\_  
 5 \_\_\_\_\_  
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 23 Date: \_\_\_\_\_  
 24 BRICE CLEMENTS  
 25 \_\_\_\_\_